

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ESTATE OF BIANCA DEVINS,

Plaintiff,

v.

NOTICE OF MOTION

6:21-CV-00802 (GTS/ATB)

ONEIDA COUNTY, ONEIDA COUNTY
DISTRICT ATTORNEY'S OFFICE, SCOTT
D. MCNAMARA, JOHN DOES 1-20,

Defendants.

MOTION ON BEHALF OF:

Defendants, ONEIDA COUNTY,
ONEIDA COUNTY DISTRICT
ATTORNEY'S OFFICE, SCOTT D.
MCNAMARA.

DATE, TIME & PLACE OF MOTION: _____, 2021 at _____ a.m.
ON SUBMISSION

RELIEF DEMANDED:

An Order, pursuant to Rule 12(b)(1)-(6) of the Federal Rules of Civil Procedure, dismissing plaintiff's complaint, together with any other relief the Court deems just and proper, on grounds that:

1) the Court lacks subject matter jurisdiction over the state law causes of action for negligence and negligent supervision because plaintiff has not strictly complied with conditions precedent to commencing a lawsuit under General Municipal Law §50-e-i-h and County Law §52;

2) the Court further lacks subject matter jurisdiction over the claims of violations of 18 U.S.C. §§ 2252A and 2255 on grounds that Plaintiff lacks standing, or;

3) plaintiff has failed to state a cause of action against the defendants.

SUPPORTING PAPERS:

Exhibits A-B and Defendants' Memorandum of Law, dated August 13, 2021.

ANSWERING AFFIDAVITS:

Pursuant to Local Rule 7.1(b)(1) all papers filed in opposition to this motion must be filed with the Court and served on Defendants no later than _____.

REPLY PAPERS:

Pursuant to Local Rule 7(b)(1), Defendants hereby advise of their intention to file and serve reply papers.

DATED: August 13, 2021

KENNEY SHELTON LIPTAK NOWAK LLP



David H. Walsh, Esq.
Bar Roll No.: 512032
Attorneys for Defendants
ONEIDA COUNTY,
ONEIDA COUNTY DISTRICT
ATTORNEY'S OFFICE,
SCOTT D. MCNAMARA
4615 North Street
Jamesville, NY 13078
Tel: (315) 492-3000
E: dhwalsh@kslnlaw.com

TO: Carrie Goldberg, Esq.
C. A. Goldberg, PLLC
Attorneys for Plaintiff
ESTATE OF BIANCA DEVINS
16 Court Street, 33rd Floor
Brooklyn, NY 11241
Tel: (646) 666-8908
carrie@cagoldberglaw.com